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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,333	08/27/2003	Shih-Li Wen	WENS 3002/EM	5347
23364 7590 10/15/2007 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			EXAMINER PATEL, CHIRAG R	
			ART UNIT 2141	PAPER NUMBER
			MAIL DATE 10/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,333

Applicant(s)

WEN ET AL.

Examiner

Chirag R. Patel

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7-12,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-12,14 and 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed July 30, 2007 have been fully considered but they are not persuasive. A discussion of the amended claims is provided below in the body of the rejections. Examiner notes that claims 2-3, 6, 13 and 16 are cancelled by the applicants.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-5, 7-12, and 14-15 are rejected under 35 U.S.C. 102(e) as being anticipated by DeNicola (US 6,288,753).

As per claim 1, DeNicola discloses a global real time learning system established between at least one teacher's computer and at least one learner's computer over the internet, the system comprising:

a video platform of real time learning including: (Col 4 lines 20-50)

a data input and transceiver module mounted in each of the teacher's computer and the learner's computer, for enabling the teacher and learner to input personal data and teaching or learning data to be recorded and sent to a

server for subsequent classification, management, and retrieval; and (Col 1 lines 17-45; includes microprocessor-controlled base station for use by an instructor and/or computer and a plurality of input devices each for use by a student; Col 7 line 61 –Col 8 line 10; In contrast, the term "videoconferencing" used in this Specification encompasses every end point (e.g., the video production studio 22 and every remote learning location 24) being able to both broadcast and receive visual/audio signals; Col 7 lines 15-29; Figure 1: item 26; Col 10 lines 46 - Col 11 line 4; Col 12 line 58 – Col 13 line 2, Col 16 line 47 – Col 17 line 9; Thus, the Learning Objects Library 500 is effectively a stand-alone, comprehensive multi-media information-providing mechanism that is available to the end user through the Web server 26 at any time (e.g., during the live interactive instruction discussed earlier or whenever the end user is on-line)

a real time vide and audio communication module for causing the teachers' computer to the learner's computer to connect to the server, and thereafter causing the real time video and audio communication module to establish a video connection over the Internet for performing online real time video teaching or learning, and (Col 7 line 61 – Col 8 line 10)

the server of real time learning coupled to each of the teacher's computer and the learner's computer over the Interact, the server of real time learning including: (Col 7 line 61- Col 8 line 10)

an information management module for causing the server to receive learning or teaching information from the teacher's computer or the learner's

computer and classifying the learning or teaching information so as to be available for searching or downloading by other learners or teachers, said server of real time learning being adapted to receive information from the video platform of real time learning and classify the information prior to opening the information for accessing; and (Col 10 line 65 – Col 11 line 4, Col 12 line 58 – Col 13 line 2)

a debit management module for causing the server to identify whether the learner's computer and the teacher's computer are connected to via the Internet for communicating information while learning or teaching, monitoring the connection there between and calculating learning or teaches charges incurred thereby based on accumulated online time; (Col 18 lines 1-16)

wherein the teacher's computer and the learner's computer arranged to respectively search for one learner's computer and one teacher's computer that conforms with set conditions over the Internet for connection and performance of video teaching or learning information communication between the teacher's computer and the learner's computer, and the server is adapted to monitor accumulated online time of teaching or learning and calculate charges incurred thereby. (Col 18 lines 1-16)

As per claim 4, DeNicola discloses the real time learning system of claim 2 wherein the data input and transceiver modulo is adapted to cause the teacher's computer or the learner's computer to input data records or files about learning or

teaching and send the input data records or files from the teacher's computer or the learner's computer to the server available for searching or downloading by other learners or teachers. (Col 1 lines 17-45; Col 16 line 47 – Col 17 line 9)

As per claim 5, DeNicola discloses the real time learning system of claim 1, wherein the data input and transceiver module is adapted to cause the teacher's computer or the learner's computer to download data records or files about learning from the server via the real time video and audio communication module. (Col 16 line 47 – Col 17 line 9)

As per claim 7, DeNicola discloses the real time learning system of claim 6 wherein the real time video and audio communication module is adapted to cause the teacher's computer or the learner's computer to receive information sent from the server by broadcasting, and show the received information on the teacher's computer or the learner's computer. (Col 7 line 61 – Col 8 line 11)

As per claim 8, DeNicola discloses the real time learning system of claim 1, wherein the real time video and audio communication module is adapted to cause the teacher's computer or the learner's computer to convert information shown on the computer into a video/audio stream, send the video/audio stream from the teacher's computer or the learner's computer to the server, and cause the server to broadcast the

video/audio stream to one of the teacher's computer or the learner's computer. (Col 7 line 61 –Col 8 line 10, Col 9 lines 17-47)

As per claim 9, DeNicola discloses the real time learning system of claim 1, wherein the video platform of real time learning further comprises a real time connection and searching module for causing the teacher's computer or the learner's computer to search shared learning data available for other teachers or learners based on input data in the server. (Col 9 line 60 – Col 10 line 22)

AS per claim 10, DeNicola discloses the real time learning system of claim 9, wherein the real time connection and searching module is adapted to cause the teacher's computer or the learner's computer to input location data about the teacher's computer or the learner's computer for establishing a point to point connection with the other teacher's computer or learner's computer via the server. (Col 10 lines 46-60)

As per claim 11, DeNicola discloses the real time learning system of claim 9, wherein the real time connection and searching module is adapted to cause the teacher's computer or the learner's computer to input node location data about the teacher's computer or the learner's computer for establishing a distributed node group connection with the other teacher's computer or learner's computer via the server. Col 9 line 60 –Col 10 line 22)

Art Unit: 2141

As per claim 12, DeNicola discloses the real time learning system of claim 1, wherein the server comprises at least one data entry safety module for causing the server to receive personal data from the teacher's computer or the learner's computer, performing a safety check and qualification check thereon, and classifying and managing the same thereafter. (Col 16 line 47 – Col 17 line 9)

As per claim 14, DeNicola discloses the real time learning system of claim 1, wherein the server further comprises a network management module for causing the server to perform a point to point connection or distributed node group connection between the teacher's computer and the learner's computer based on computer location data sent from the teacher's computer or the learner's computer. (Col 7 lines 15-39)

As per claim 15, DeNicola discloses the real time learning system of claim 1, wherein the server further comprises a video communication module for causing the server to receive video data including audio data from the teacher's computer or the learner's computer, and immediately thereafter broadcasting the same to relevant one of the teacher's computer or the learner's computer. (Col 7 lines 30-38)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 7:30AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

Application/Control Number: 10/648,333

Page 9

Art Unit: 2141

(toll free).

Chirag Patel
Patent Examiner
AU 2141

C.P. C.P.



JASON CARDONE
SUPERVISORY PATENT EXAMINER